



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 7**

11201 Renner Boulevard  
Lenexa, Kansas 66219

**JAN 21 2016**

**URGENT LEGAL MATTER**  
**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Union Pacific Railroad Company  
C T Corporation  
5601 South 59<sup>th</sup> Street  
Lincoln, Nebraska 68516

General Notice Letter Re: Bone Hole County Park  
Big River Mine Tailings Site, St. Francois County, Missouri

To Whom It May Concern:

This will provide notice that the U.S. Environmental Protection Agency, Region 7, (EPA) has determined that Union Pacific Railroad Company (Union Pacific) may be a potentially responsible party at the Big River Mine Tailings Superfund Site (Site), and specifically for a removal action currently scheduled for 2016, at the Bone Hole County Park located in St. Francois County, Missouri.

Bone Hole County Park is located in Desloge, Missouri within Parcel #50, on Landfill Road North of Highway P (map enclosed). Within the Bone Hole County Park property is a railroad bed that was constructed from ballast which is contaminated with lead mine waste. The railroad bed creates a dam on Owl Creek. The EPA has sampled the former rail bed and found it to be contaminated with lead from 6550 parts per million (ppm) lead to 14,600 ppm lead. The run off below the dam in Owl Creek is also contaminated with lead. Samples below the dam show lead contamination from 1960 ppm lead to 5960 ppm lead. The EPA is planning a removal action at the park to address this lead contamination.

Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as the federal Superfund law, the EPA is responsible for responding to the release or threat of release of hazardous substances, pollutants or contaminants into the environment. As set forth above, the EPA has documented that such a release has occurred at the Bone Hole County Park which is located within the Site. The EPA has spent, and is considering spending, public funds to investigate and control releases of hazardous substances or potential releases of hazardous substances at the Site. Based on information presently available to the EPA, the agency has determined that Union Pacific may be responsible under CERCLA for cleanup of the Site or costs incurred in cleaning up the Site.

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Under CERCLA, specifically Sections 106(a) and 107(a), potentially responsible parties (PRPs) may be required to perform cleanup actions to protect the public health, welfare, or the environment. PRPs may also be responsible for costs incurred by EPA in cleaning up the Site, unless the PRP can show divisibility or any of the other statutory defenses. PRPs include current and former owners and operators of a Site, as well as persons who arranged for treatment and/or disposal of any hazardous substances found at the site, and persons who accepted hazardous substances for transport and selected the site to which the hazardous substances were delivered.

Based on the information collected, the EPA believes that Union Pacific may be liable under Section 107(a) of CERCLA with respect to the Big River Mine Tailings Superfund Site, and specifically for the performance of the planned removal, at Bone Hole County Park, as a current or previous owner and/or operator of the Site.

This letter provides notice that the EPA is prepared to undertake this removal. However, if Union Pacific is interested in performing some or all of this work, please provide notice to the agency. Please respond in writing to Julie M. Van Horn, with the Office of Regional Counsel at the above address or [vanhorn.julie@epa.gov](mailto:vanhorn.julie@epa.gov), by March 4, 2016. The EPA has also sent this notice to The Doe Run Resources Corporation. Thank you for your prompt attention to this matter.

Sincerely,



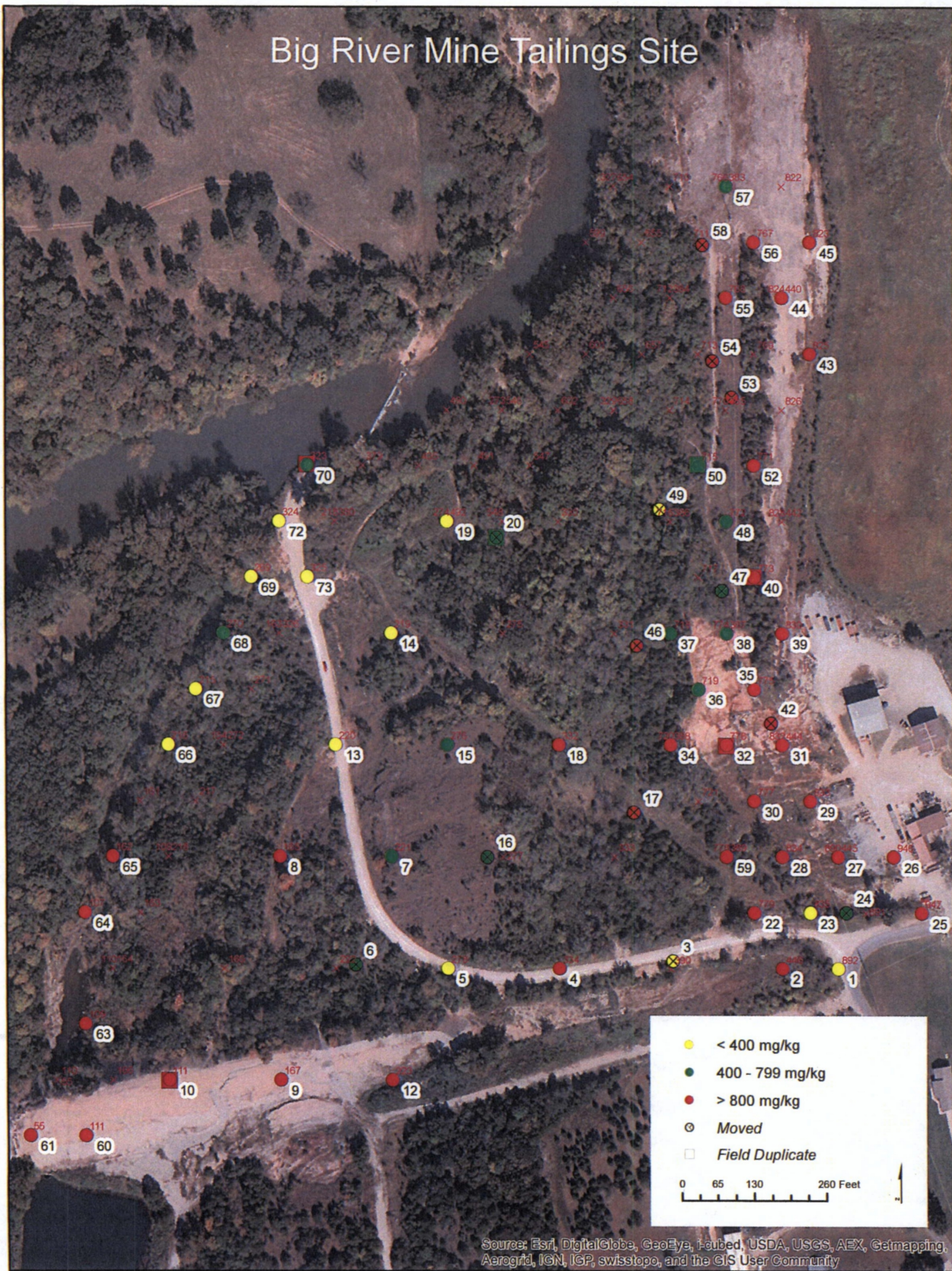
Mary P. Peterson  
Director  
Superfund Division

Enclosure

cc: JJ Koraleski, President  
Union Pacific Railroad Company

Julie M. Van Horn, EPA  
Jason Gunter, EPA

# Big River Mine Tailings Site



Source: Esri, DigitalGlobe, GeoEye, iSat, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

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